

THIRD PARTY AGREEMENTS

Third party agreements are used to protect an investment when another party operates, maintains, owns or controls a facility or property that is a necessary part of your project. A third party agreement is required when dealing with a third party in a facilities construction, habitat management, population management, or operation and maintenance project.

The key points to address in third party agreements are:

Real property (land or facilities) must be used for its original purpose as long as it is needed. Other uses are permitted only with the prior approval of Federal Aid.

No uses can be made of an area/facility that would interfere, conflict or be incompatible with the primary use stated in the grant.

If the primary use of the area/facility is changed to an ineligible use, the appraised value of the property must be recovered by the State for reinvestment or pay-back of the Federal share to the Program.

Areas where habitat management, population management or operation and maintenance projects are implemented must be maintained under control of the State for the length of time necessary to realize the objectives of the grant or value of the investment.

User fees must be used to offset operation and maintenance costs and may not be intended to return a profit.

Fiscal records must be available for inspection.

All Federal compliance requirements must be met in acquisition, construction and management of the project.